REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, April 21, 2015, 9:00 A.M.

BOARD HEARING ROOM, FIRST FLOOR
333 W. Santa Ana Blvd., 10 Civic Center Plaza
Santa Ana, California

TODD SPITZER
CHAIRMAN
Third District

LISA A. BARTLETT
VICE CHAIRMAN
Fifth District

ANDREW DO
SUPERVISOR
First District

MICHELLE STEEL
SUPERVISOR
Second District

SHAWN NELSON
SUPERVISOR
Fourth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Michael B. Giancola
	COUNTY COUNSEL	Nicholas S. Chrisos
	INTERIM CLERK OF THE BOARD	Robin Stieler

INVOCATION: Supervisor Steel, Second District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Nelson, Fourth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairman Spitzer presented a resolution commending Mary Fitzgerald on her retirement

II. CONSENT CALENDAR (Items 1-19)

24153 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 15 WHICH WAS CONTINUED TO 5/5/15, 9:30 A.M.; AND ITEMS 8, 12, 13, 16, 17, 18 AND 19 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Supervisor Nelson:

1. Animal Care Community Outreach Committee - Reappoint Charice King, Santa Ana, for termending 3/31/16

2. Orange County Waste Management Commission - Reappoint Chad P. Wanke, Placentia, forterm ending 11/14/16

Supervisor Steel:

3. Orange County Waste Management Commission - Appoint Tina M. Nieto, Rossmoor, tocomplete term ending 1/31/17

4. Oversight Board of the Successor Agency to the City Redevelopment Agency, Cypress - Appoint George T. O'Hara

5. Orange County Human Relations Commission - Reappoint Timothy Kowal, Huntington Beach,for term ending 4/20/16

6. Development Processing Review Committee - Reappoint Jay Bullock, Seal Beach, for termconcurrent with Supervisors term of office

DEPARTMENT APPOINTMENTS

7. **Probation -** Orange County Juvenile Justice Coordinating Council - Appoint Todd D. Elgin, GardenGrove, for term concurrent with position - All Districts

ELECTED DEPARTMENT HEADS

8. **District Attorney -** Approve amendment 3 to lease agreement DA-06-007 with Equitable PropertiesManagement Group, Inc. for rental space and rate reduction, extending term to 2/28/25; and make California Environmental Quality Act and other findings - District 1

35124 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

9. Approve master agreement with various providers of Preparedness and Response Program for 7/1/15 -6/30/20; and authorize Director or designee to execute individual agreements - All Districts

10. Approve master agreement with various providers of Point of Dispensing Site Equipment services, 7/1/15 - 6/30/20; and authorize Director or designee to execute individual agreements - All Districts

JOHN WAYNE AIRPORT

11. Approve plans and specifications and set bid opening for 5/27/15, 2:00 p.m., for pavement maintenanceand repairs project; authorize Director or designee to extend bid opening date up to 60 days if necessary; and make California Environmental Quality Act and other findings - District 2

OC DANA POINT HARBOR

12. Receive bids and award contract to Architectural Design & Signs, Inc. for Median and Parkway SignProject ($284,753) - District 5
52143 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

13. Adopt resolution approving OC Animal Care, OC Community Services and OC Public LibrariesMarketing Plans to pursue sponsorships with non-profit organizations, private sector organizations and businesses in support of programs and events, one-year term effective date of execution; authorize Director or designee to return to the Board with proposed agreements; and make related findings - All Districts (Continued from 3/24/15, Item 21; 4/14/15, Item 8)
53124 **APPROVED AS RECOMMENDED**
RESO: 15-030

14. Approve cooperative agreement with City of Newport Beach, the Johns Living Trust, the Manly FamilyTrust and Mesa Irrevocable Trust for Mesa Drive Drainage Improvements Project, effective upon Board approval ($50,000); and make California Environmental Quality Act and other findings - District 2

SOCIAL SERVICES AGENCY

15. Approve non-financial Memorandum of Understanding CDB0915 with Orangewood Children'sFoundation for Orangewood Children's Mentoring Program, effective 7/1/15; and authorize Director or designee to execute non-financial MOU - All Districts
24153 **CONTINUED TO 5/5/15, 9:30 A.M.**

GENERAL ADMINISTRATION

County Executive Office:

16. Approve amendment 1 to option agreement with Ganahl Lumber Company, effective 4/30/15;and make California Environmental Quality Act findings - All Districts
34125 **APPROVED AS AMENDED TO CHANGE PAGE 2, SECTION 2, CLAUSE 5 OF AGREEMENT TO READ "ADDITIONAL EXTENDED OPTION TERMS MAY BE APPROVED BY THE BOARD OF SUPERVISORS ("BOARD") UPON SUCH TERMS AND CONDITIONS APPROVED BY THE BOARD."**

17. Approve amendments for three software maintenance/subscription service contracts that support the County's mainframe system, 6/1/2015 - 5/31/16; MA-017-14011713 to agreement 90-186 with Pitney Bowes Software, Inc., ($26,931), MA-017-14011979 to agreement USI001 with UNICOM Systems, Inc., ($36,171), and MA-017-14011981 to agreement Y1000000441 with UNICOM Systems, Inc., ($45,636); each renewable for two additional one year terms (aggregate total $362,738) and authorize Purchasing Agent or authorized Deputy to execute amendments - All Districts
54123 **APPROVED AS RECOMMENDED**

18. Approve amendment 5 to agreement MA-017-10013070 with Precision Discovery, LLC forInformation Technology Forensics and eDiscovery services, 6/1/15 - 11/30/15; and

authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

43125 **CONTINUED TO 5/5/15, 9:30 A.M.**

19. **Internal Audit -** Receive and file Monthly Internal Audit Activity Status Report for March 2015 - AllDistricts

41253 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 20-42)

ELECTED DEPARTMENT HEADS

20. **District Attorney -** Receive and file oral report on utilization of science and technology to enhancepublic safety in Orange County - All Districts
RECEIVED AND FILED

HEALTH CARE AGENCY

21. Approve agreement with Pacific Clinics for Recovery Education Institute services, 7/1/15 - 6/30/16($776,711); and authorize Director or designee to execute agreement - All Districts
42153 **APPROVED AS RECOMMENDED**

22. Approve master agreement with various providers of Point of Dispensing Site services, 7/1/15 - 6/30/18($750,000); and authorize Director or designee to execute individual agreements - All Districts
54123 **APPROVED AS RECOMMENDED**

23. Approve agreement with Hospital Association of Southern California for California Children's ServicesEligibility Technician services, 7/1/15 - 6/30/18; and authorize Director or designee to execute agreement - All Districts
41253 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

24. Approve amendment 4 to agreement MA-280-10012781 with Pacific Coast Elevator Corp. dba AmtechElevator Services (Amtech) for elevator and escalator maintenance services, 6/7/15 - 5/31/16 ($492,699.04, cumulative total $2,448,705.12); and authorize Purchasing Agent or authorized Deputy to execute amendment - District 2
24153 **APPROVED AS RECOMMENDED**

25. Approve Change Order No. G136 to agreement with Gensler for Terminal C and Improvements toTerminals A & B Project ($1,000,000 reduction; new total $35,958,879); authorize Director or designee to execute Change Order; and consider application of prior Final Environmental Impact Report No. 582, Addendum 582-1 and Final Supplemental EIR 582 and other findings - District 2
B.O. **CONTINUED TO 5/5/15, 9:30 A.M.**

OC COMMUNITY RESOURCES

26. Approve model cost reimbursement agreement for employment and economic development services with providers selected from the approved providers list, 4/21/15 - 6/30/19 ($20,000,000); authorize Director or designee to select from approved providers list based on certain criteria; and authorize Director or designee to execute non-substantial, immaterial no-cost amendments including line item budget transfers, scope, contract term, and cost contingency not to exceed 10% under certain conditions - All Districts
42153 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

27. Consider second reading and adoption of "An Ordinance of the County of Orange California, Repealingthe Sand, Gravel and Mineral Extraction Code; and Adopting Revised Provisions of the Sand, Gravel and Mineral Extraction Code" - All Districts (Continued from Closed Public Hearing 4/14/15, Item 39)

42153 **APPROVED AS RECOMMENDED**
ORD: 15-006

28. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve agreement MA-080-15011396 with Miranda Logistics Enterprise LLC for rental haul trucks with operators, 4/21/15 - 1/31/16 ($900,000); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act and other findings - All Districts

41253 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

29. Select Simplus Management Corporation as primary and Tetra Tech BAS, Inc. as alternate firms forconstruction management, quality assurance/quality control and archaeological/paleontological support services at Central Region Landfills; authorize Director or designee to negotiate agreement for Board approval; and make California Environmental Quality Act and other findings - All Districts

35124 **APPROVED AS RECOMMENDED**

30. Approve agreement PM 125-15-01 with University of California, Irvine for installation of 250 kW Ener-Core Power Generating Unit, Santiago Canyon Landfill, 4/21/15 - 5/31/19; and authorize Director or designee to execute agreement; and consider application of Final Mitigated Negative Declaration No. 191 and Addendum No. 191-1 and other findings - District 3

35124 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

31. **Probation -** Approve Orange County Comprehensive Multi-Agency Juvenile Justice Plan andapplication for continued funding for FY 2015-16 under the Juvenile Justice Crime Prevention Act; and authorize Chief Probation Officer or designee to submit application to Board of State and Community Corrections - All Districts

31245 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

32. Approve agreement WGV0515 with Arbor E & T, LLC, dba ResCare Workforce Services for jobservices and employment support services, 7/1/15 - 6/30/16 ($11,786,712); and authorize Director or designee to exercise contingency cost increase not to exceed 10% of first year agreement amount for entire term of agreement - All Districts

B.O. **CONTINUED TO 5/5/15, 9:30 A.M.**

33. Approve agreement CKV1415 with Professional Tutors of America, Inc. for individual academictutoring services for children receiving child welfare services in grades K-12 and non-minor dependent youth under a Juvenile Court placement order, 7/1/15 - 6/30/18 ($120,000; aggregate total $360,000) - All Districts

42153 **APPROVED AS RECOMMENDED**

34. Approve agreement WRR0215 with MAXIMUS Human Services, Inc. subsidiary of MAXIMUS, Inc.for case management services, 7/1/15 - 6/30/16 ($6,312,661); authorize Director or designee to exercise contingency cost increase not to exceed 10% of first year agreement amount under certain conditions for entire term of agreement - All Districts

45123 **APPROVED AS RECOMMENDED**

35. Approve amendment 5 to MA-063-14011159 to renew as MA-063-15011284 with Quakleen Co. Inc., for janitorial and day porter services, Orangewood Children and Family Center, 6/1/15 - 5/31/15 ($207,540; cumulative total $1,037,700); and authorize Purchasing Agent or authorized Deputy to execute amendment - District 3

34125 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

36. Approve recommended positions on introduced or amended legislation and consider otherlegislative subject matters - All Districts

RECEIVED AND FILED

37. Approve in concept financing of Central Utility Facility upgrade; select Fieldman Rolapp &Associates as financial advisor, Stradling Yocca Carlson & Rauth as bond and disclosure counsel and Wells Fargo Securities as underwriter; approve agreements 017-15001FA with Fieldman Rolapp & Associates ($45,000) and 017-15001BC with Stradling Yocca Carlson & Rauth ($65,000) for services relating to proposed Central Utility Facility upgrade financing, effective upon Board approval term ending 4/30/16, with option to extend for two additional years; and authorize CEO/Public Finance Manager to execute agreements - All Districts

B.O. **CONTINUED TO 5/5/15, 9:30 A.M.**

38. Approve in concept financing of 800MHz Countywide Coordinated Communications Systemupgrade; select KNN Public Finance as financial advisor and Citigroup Global Markets, Inc. as underwriter; approve agreement 017-15002FA with KNN Public Finance for services relating to proposed 800MHz Countywide Coordinated Communications System upgrade financing, ($55,000, plus expenses), effective upon Board approval term ending 4/30/16 with option to extend for two additional years; and authorize CEO/Public Finance Manager to execute agreement - All Districts

31245 **APPROVED AS RECOMMENDED**

39. Acting as the Legislative Body of Community Facilities District No. 2015-1 (Village of Esencia)- Adopt resolution certifying election results for levy of special tax, bond indebtedness and issuance of bonds and authorizing filing of validation action ($110,000,000); and consider first reading of "An Ordinance of the Board of Supervisors of Orange County, California Acting in its Capacity as the Legislative Body of Community Facilities District No. 2015-1 of the County of Orange (Village of Esencia) Authorizing the Levy of Special Taxes"; and set second reading and adoption for 5/5/15, 9:30 a.m. - District 5

54123 **APPROVED AS RECOMMENDED**

RESO: 15-031

40. Approve licensing agreements with IBM for purchase of IBM System z9 software monthlylicense charge and international program license software subscription and support for DB2 and Omegamon Tools, 6/1/15 - 5/31/16 ($781,445.76); and authorize Purchasing Agent or authorized Deputy to execute agreements - All Districts

32145 **APPROVED AS RECOMMENDED**

41. Approve grant applications/awards submitted by OC Community Resources in 4/21/15 grantreport and other actions on recommended - All Districts

15243 **APPROVED AS RECOMMENDED**

42. **Vice Chair Bartlett and Supervisor Nelson -** Adopt resolution to repudiate the sentence imposed bySuperior Court Judge M. Marc Kelly in People v. Kevin Nieto-Rojano, Orange County Superior Court case No. 14CF1874, to formally rebuke, censure, and demand the resignation of Judge Kelly from the Orange County Superior Court, and to make related findings (Continued from 4/14/15, Item S37A)

54123 **APPROVED RESOLUTION AS AMENDED BY SUPERVISORS BARTLETT AND DO WITH A UNANIMOUS VOTE BY THE BOARD**
RESO: 15-032

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-SCS6)

GENERAL ADMINISTRATION

CS-1. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuantto Government Code Section 54956.9(d)(1):
Name of Case: Beador Construction Company, Inc. v. County of Orange, Orange County Superior Court Case No. 30-2014-00720190-CU-BC-CJC

B.O. **HELD, NO REPORTABLE ACTION**

Human Resource Services:

SCS2. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section54957.6:
Agency Negotiator: Steve Danley
Employee Organizations: Association of County Law Enforcement Management (ACLEM), American Federation of State, County and Municipal Employees (AFSCME), Association of Orange County Deputy Sheriffs (AOCDS), Alliance of Orange County Workers (AOCW), In-Home Supportive Services Provider Unit (IHSS) represented by United Domestic Workers of America (UDWA), International Union of Operating Engineers (IUOE), Orange County Attorneys Association (OCAA), Orange County Employees Association (OCEA), Orange County Managers Association (OCMA) and other non-represented employees
RE: Terms and Conditions of Employment

B.O. **HELD, NO REPORTABLE ACTION**

SCS3. PUBLIC EMPLOYEE DISCIPLINE, DISMISSAL, RELEASE - Pursuant to Government Code Section 54957(b):
Title: Performance Audit Director

B.O. **BY A UNANIMOUS VOTE THE BOARD TERMINATED THE EMPLOYMENT**

OF PHILIP CHENG AS PERFORMANCE AUDIT DIRECTOR, PURSUANT TO THE TERMS OF HIS EMPLOYMENT AGREEMENT

SCS4. PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957(b):
Title: County Executive Officer

B.O. **HELD, NO REPORTABLE ACTION**

SCS5. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government CodeSection: 54957(b):
Title: County Executive Officer

B.O. **HELD, NO REPORTABLE ACTION**

SCS6. PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957(b)
Title: Interim Performance Audit Director

B.O. **BY A UNANIMOUS VOTE, THE BOARD APPOINTED PETER HUGHES TO THE POSITION OF INTERIM PERFORMANCE AUDIT DIRECTOR**

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Michael Klubnikin - Oral Re: Nate Tseglin, District Attorney, Internal Audit, Public Guardian, falsification ofrecords

Ilya Tseglin - Oral Re: Nate Tseglin, Regional Center

Robert Tseglin - Oral Re: Nate Tseglin, Regional Center, victims of abuse, District Attorney, Social Services Agency, Public Defender

Commander Adam Powell - Oral Re: Agenda item #20, Danielle Wieland, Orange County Sheriff's Department

COUNTY EXECUTIVE OFFICER COMMENTS:

Michael Giancola - Oral Re: Congratulated Human Resource Services and Employee Benefits for being honored by Markum Award for their communication efforts and materials provided to participants transitioning from old to new Defined Contribution Plan; congratulated John Wayne Airport for being honored by California Association of Public Information Officers for the redesign of mobile website; congratulated OC Parks for being honored by California Association of Public Information Officers for their internally produced 60 second video 'OC ZOO Get Wild'

BOARD COMMENTS:

Supervisor Do - Oral Re: County policy issues and Board dialogue in public forum

Chairman Spitzer - Oral Re: Board dialogue in public forum; Crime Victim's Rights Week events throughout the County including the unveiling of the Crime Victim's Monument on April 25, 2015 at Mason Regional Park; requested to agendize Closed Session to discuss personnel matter

ADJOURNED: 3:08 P.M.

53124 **Adjourned in memory of Don Ellis**

*** KEY ***

Left Margin Notes

1. = Supervisor Do
2. = Supervisor Steel
3. = Supervisor Spitzer
4. = Supervisor Nelson
5. = Supervisor Bartlett

A. = Abstained
X. = Excused
N. = No
BO = Board Order

ORD. = Ordinance
RESO. = Resolution

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

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Chair, Orange County Board of Supervisors

_____

Interim Orange County Clerk of the Board